IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

Bail Appl..No. 6963 of 2006()

AGAINST THE ORDER DATED 14/11/2006 IN ORDER IN CMP.2347/2006 of J.M.F.C.-II, CHENGANNUR CR.200/06 OF CHENGANNUR EXCISE RANGE.

.....

PETITIONERS/ACCUSED

---

1. SURESH, S/O.PEETHAMBARAN,
   AGED 32 YEARS, BHARGAVI NILAYAM,
   ENNACKADU MURI, ENNACKADU VILLAGE,
   CHENGANNUR TALUK.

2. MANOJ, S/O.RAMACHANDRAN PILLAI,
   AGED 30 YEARS, KALARICKAL VEEDU,
   KUTTAMPEROOR MURI, MANNAR VILLAGE,
   CHENGANNUR TALUK.

BY ADV. SRI.R.REJI

RESPONDENT: COMPLAINANT

STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
REP. BY THE EXCISE INSPECTOR,
CHENGANNUR RANGE.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

BAIL APPLICATION No.6963 OF 2006

DATED THIS THE **27th** DAY OF NOVEMBER, 2006

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioners who are accused Nos.1 and 2 in Cr.No.200/06 of Chengannur Excise Range for offences punishable under Sections 55(a) and 67B of the Abkari Act, for having been found in possession of 280 litres of spirit on 3.11.2006, seek their enlargement on bail. The petitioners were arrested on the same day.

2. I heard the learned counsel for the petitioners and the learned Public Prosecutor. The learned Public Prosecutor opposed the application.

3. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec.41 A of the Abkari Act are present in this case so as to justify the release of the petitioners on bail.

This application is accordingly dismissed.

V.RAMKUMAR, JUDGE.

dsn/-